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Attorney Docket No. 211748-00017**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Spurgat et al

Serial No.: 09/858,415

Filed: May 16, 2001

Title: Proximity Synchronization of Audio  
Content Among Multiple Playback and Storage  
Devices

Group Art

Unit: 2682

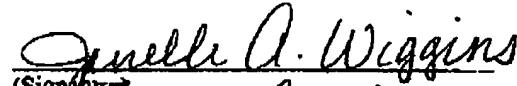
Examiner: Tran, Tuan

Confirmation No. 2468

**CERTIFICATE OF TRANSMISSION**I hereby certify that this correspondence is  
being facsimile transmitted (571) 273-8300) to  
the United States Patent and Trademark Office  
on:

9-30-05

Date



(Signature)

Janelle A. Wiggins

(Typed or Printed Name of Person Signing  
Certificate)**Declaration of John S. Paniaguas**  
**under 37 CFR 1.131**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 20231

Dear Sir:

I, John S. Paniaguas, pursuant to 37 C.F.R. §1.131, declare as follows:

1. I am the attorney of record in the above-identified patent application and was an attorney of record for this case at all times relevant.
2. None of the inventors are currently with the company.
3. Information in my prosecution file for the above identified case, kept in the normal course of business, indicates that the effective date of the above-identified patent is at least as early as March 16, 2001. In particular, I worked with the inventors to prepare a draft patent application for the above identified case. A draft of the patent application was sent to Mr. Jeff Spurgat, one of the inventors, for review by way of a letter dated March


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16, 2001. It is hornbook law that a patent application is constructive reduction to practice of an invention.

4. The undersigned, being warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon, hereby declares that the above statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

FURTHER DECLARANT SAYETH NOT.

Date: September 30, 2005

  
John S. Paniaguas  
Reg. No. 31,051